

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

MODEL ME KIDS, LLC,

Plaintiff,

v.

MODEL-ME-KIDS, INC.,

Defendant.

Case No. 1:22-cv-23871-JEM

REQUEST FOR ENTRY OF CLERK'S DEFAULT

Plaintiff Model Me Kids, LLC, by and through its counsel, hereby requests that the Clerk enter default in this matter against Defendant Model-Me-Kids, Inc. on the ground that Defendant has failed to appear or otherwise respond to the Complaint within the times prescribed by the Federal Rules of Civil Procedure.

On December 8, 2022, Defendant, through its principal, was served with a copy of the Summons and Complaint in this case. (Dkt. 6). Thereafter, at Defendant's principal's request, Plaintiff permitted Defendant up to and including January 20, 2023 to respond to the Complaint. *See* Declaration of James Slater ¶ 5 ("Slater Decl."), attached as Exhibit 1. On January 20, 2023, Defendant's principal purported to file a motion for extension of time for Defendant to respond to the Complaint. (Dkt. 5). Because the motion was filed without a lawyer representing Defendant—a nonprofit entity—, *see* Slater Decl. ¶ 8, it is a nullity and does not satisfy the requirement of "otherwise defend[ing]" the lawsuit for purposes of

avoiding default under Rule 55(a). *See Victims of Holocaust Art Theft v. Czech Republic*, No. 12-80420-CIV-COHN, at *2 (S.D. Fla. June 4, 2012) (the requirement that a corporation appear in federal courts “only through licensed counsel” is “true regardless of whether the entity is a for-profit enterprise or a nonprofit organization”), quoting *Rowland v. Cal. Men’s Colony*, 506 U.S. 194, 201-02 (1993); *see also Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985).

Accordingly, the time allowed for Defendant to respond to the Complaint has expired and no further extensions were given by Plaintiff. (Dkt. 6; Slater Decl. ¶ 6). Defendant has failed to answer or otherwise defend the Complaint as set forth above. Defendant is an entity and therefore the Servicemembers Civil Relief Act does not apply.

WHEREFORE, Plaintiff Model Me Kids, LLC requests that a default be entered against Defendant Model-Me-Kids, Inc.

Dated: January 23, 2023.

Respectfully submitted,

SLATER LEGAL PLLC

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Certificate of Service

I hereby certify that a true and correct copy of this document was mailed to Model-Me-Kids, Inc., c/o Shushona Cooper, 17801 N.W. 2nd Ave #211, Miami Gardens, Florida 33169.

By: **James M. Slater**
James M. Slater